

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

MONTOREY D. HARPER,)
)
 Plaintiff,)
)
v.) 5:16-CV-668-BO
)
)
U.S. JUSTICE DEPARTMENT, *et al.*,)
)
)
 Defendants.)

MONTOREY D. HARPER,)
)
)
 Plaintiff,)
)
v.) 5:16-CV-669-BO
)
)
U.S. JUSTICE DEPARTMENT, *et al.*,)
)
)
 Defendants.)

MONTOREY D. HARPER,)
)
)
 Plaintiff,)
)
v.) 5:16-CV-672-BO
)
)
U.S. JUSTICE DEPARTMENT, *et al.*,)
)
)
 Defendants.)

MONTOREY D. HARPER,)
)
)
 Plaintiff,)
)
v.) 5:16-CV-673-BO
)
)
U.S. JUSTICE DEPARTMENT, *et al.*,)
)
)
 Defendants.)

MONTOREY D. HARPER,)
)
 Plaintiff,)
)
v.) 5:16-CV-675-BO
)
)
BARACK H. OBAMA, *et al.*,)
)
)
 Defendants.)

MONTOREY D. HARPER,)
)
)
 Plaintiff,)
)
v.) 5:16-CV-676-BO
)
)
FAYETVILLE POLICE)
DEPARTMENT, *et al.*,)
)
)
 Defendants.)

MONTOREY D. HARPER,)
)
)
 Plaintiff,)
)
v.) 5:16-CV-708-BO
)
)
USA, *et al.*,)
)
)
 Defendants.)

MONTOREY D. HARPER,)
)
)
 Plaintiff,)
)
v.) 5:16-CV-701-BO
)
)
BARACK H. OBAMA, *et al.*,)
)
)
 Defendants.)

MONTOREY D. HARPER,)
)
)
 Plaintiff,)
)
)
v.) 5:16-CV-702-BO
)
)
BARACK H. OBAMA, *et al.*,)
)
)
 Defendants.)

MONTOREY D. HARPER,)
)
)
 Plaintiff,)
)
)
v.) 5:16-CV-703-BO
)
)
BARACK H. OBAMA, *et al.*,)
)
)
 Defendants.)

MONTOREY D. HARPER,)
)
)
 Plaintiff,)
)
)
v.) 5:16-CV-704-BO
)
)
BARACK H. OBAMA, *et al.*,)
)
)
 Defendants.)

MONTOREY D. HARPER,)
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)
 Plaintiff,)
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)
v.) 5:16-CV-706-BO
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)
U.S. SENATOR HARRY M. REID, *et al.*,)
)
)
 Defendants.)

MONTOREY D. HARPER,)
)
 Plaintiff,)
)
v.) 5:16-CV-707-BO
)
BARACK H. OBAMA, *et al.*,)
)
 Defendants.)

MONTOREY D. HARPER,)
)
 Plaintiff,)
)
v.) 5:16-CV-709-BO
)
U.S. SENATOR HARRY M. REID, *et al.*,)
)
 Defendants.)

MONTOREY D. HARPER,)
)
 Plaintiff,)
)
v.) 5:16-CV-717-BO
)
BARACK H. OBAMA, *et al.*,)
)
 Defendants.)

MONTOREY D. HARPER, *et al.*,)
)
 Plaintiffs,)
)
v.) 5:16-CV-718-BO
)
LORETTA LYNCH, *et al.*,)
)
 Defendants.)

MONTOREY D. HARPER,)
)
 Plaintiff,)
)
v.) 5:16-CV-719-BO
)
)
LORETTA LYNCH, *et al.*,)
)
)
 Defendants.)

MONTOREY D. HARPER,)
)
)
 Plaintiff,)
)
v.) 5:16-CV-720-BO
)
)
FBI,)
)
)
 Defendants.)

MONTOREY D. HARPER,)
)
)
 Plaintiff,)
)
v.) 5:16-CV-722-BO
)
)
LONG BEACH,)
)
)
 Defendants.)

MONTOREY D. HARPER,)
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)
 Plaintiff,)
)
v.) 5:16-CV-723-BO
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CNN,)
)
)
 Defendants.)

MONTOREY D. HARPER,)
)
)
 Plaintiff,)
)
)
v.) 5:16-CV-724-BO
)
)
UNITED STATES SENATE,)
)
)
 Defendants.)

MONTOREY D. HARPER,)
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)
 Plaintiff,)
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)
v.) 5:16-CV-733-BO
)
)
LONG BEACH POLICE)
DEPARTMENT, *et al.*,)
)
)
 Defendants.)

MONTOREY D. HARPER,)
)
)
 Plaintiff,)
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)
v.) 5:16-CV-734-BO
)
)
LONG BEACH POLICE)
DEPARTMENT, *et al.*,)
)
)
 Defendants.)

MONTOREY D. HARPER,)
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)
 Plaintiff,)
)
)
v.) 5:16-CV-735-BO
)
)
UNITED STATES OF AMERICA,)
)
)
 Defendants.)

MONTOREY D. HARPER,)
)
 Plaintiff,)
)
 v.) 5:16-CV-784-BO
)
 USA, *et al.*,)
)
 Defendants.)

ORDER

These matters are before the Court on the Memorandum and Recommendations (“M&R”) of United States Magistrate Judge James E. Gates, pursuant to 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P. 72(b). In conducting a frivolity review of the complaints pursuant to 28 U.S.C. § 1915(e)(2), Magistrate Judge Gates granted plaintiff leave to proceed *in forma pauperis* and then recommended that each complaint be dismissed. Plaintiff filed various objections to the M&Rs. For the following reasons, the Court ADOPTS the M&Rs.

BACKGROUND

Plaintiff filed these actions *pro se* under 42 U.S.C. § 1983, alleging various infringements of his rights by many government and non-governmental actors, including Barack Obama, Harry Reid, the Federal Bureau of Investigation, the United States Senate, CNN, and the United

Nations, among others. In these complaints plaintiff alleges that these defendants have conspired against him, tampered with his food or possessions, assaulted him, tried to entrap him, or otherwise do him harm.

DISCUSSION

A claim proceeding *in forma pauperis* may be dismissed at any time if it is frivolous. 28 U.S.C. § 1915(e)(2)(B)(i). A complaint is frivolous if “it lacks an arguable basis either in law or fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). A court may consider subject matter jurisdiction on frivolity review. *Lovern v. Edwards*, 190 F.3d 648, 654 (4th Cir. 1999). To make a frivolity determination, a court may designate a magistrate judge “to submit . . . proposed findings of fact and recommendations” for the disposition of a variety of motions. 28 U.S.C. § 636(b)(1)(B).

A district court is required to review de novo those portions of an M&R to which a party timely files specific objections or where there is plain error. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985). “[I]n the absence of a timely filed objection, a district court need not conduct de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (internal quotation and citation omitted). Moreover, the court need not conduct a de novo review where a party makes only “general and conclusory objections that do not direct the court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982); *Wells v. Shriners Hosp.*, 109 F.3d 198, 200–01 (4th Cir. 1997). “Section 636(b)(1) does not countenance a form of generalized objection to cover all issues addressed by the magistrate judge; it contemplates that a party’s objection to a magistrate judge’s report be specific and particularized,

as the statute directs the district court to review only those portions of the report or specified proposed findings or recommendations to which objection is made.” *United States v. Midgette*, 478 F.3d 616, 621 (4th Cir. 2007).

The M&Rs recommend that each of plaintiff’s complaints be dismissed as frivolous. Though he filed various objections, plaintiff failed to point to any specific errors in the recommendations made by the magistrate judge or provide an intelligible reason that the recommendations should not be adopted. The Court has reviewed the legal recommendations of Magistrate Judge Gates, and finds no plain error. Where plaintiff has objected to factual issues regarding Magistrate Judge Gate’s recommendations, he has still failed to provide the Court with any facts that would support facially plausible claims and thus has provided no basis upon which to disturb the recommendations of the magistrate judge. *See Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007).

CONCLUSION

For these reasons, the Memorandum and Recommendation of Magistrate Judge Gates in the above cases are ADOPTED in their entirety. Accordingly, plaintiff’s complaints are DISMISSED. The clerk is DIRECTED to close the cases.

SO ORDERED, this 9 day of April, 2017.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE